

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.9662 OF 2018

ORDER:

This Criminal Petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Code') to quash the order, dated 09.08.2018, passed in Criminal M.P. No.838 of 2018 in C.C. No.976 of 2009, by the learned Judicial Magistrate of First Class, Special Mobile Court at Nizamabad, declining to recall Non-bailable Warrant issued against this petitioner, who is accused No.1 in the said Calendar Case, in a petition filed under Section 70 (2) of the Code.

2. The petitioner herein raised several contentions before the Magistrate, more particularly about the medical ground, and the second ground is that the revision is pending against the order passed by the Magistrate for examination of accused after closing of trial, under Section 251 of the Code, but the Magistrate dismissed the petition making certain observations with regard to the fact of non-examination of accused under Section 251 of the Code and for the absence of petitioner before the Magistrate. Aggrieved by the order, the present Criminal Petition is filed on various grounds. But, this Court having examined those grounds in detailed, and it would be suffice if a direction is given to the Magistrate to dispose of an application filed under Section 70 (2) of the Code on appearance of the petitioner herein on the same day.

3. Therefore, the order, dated 09.08.2018, passed by the Magistrate in Crl.M.P. No.838 of 2018 in C.C. No.976 of 2009 is hereby set side, while directing the Magistrate to dispose of the application afresh considering the grounds urged on appearance of the petitioner herein before the Magistrate and dispose of the same on the same day fixing a date for disposal in accordance with law.

4. With the above direction, the present Criminal Petition is disposed of. No order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the present Criminal Petition, shall stand closed.



JUSTICE M. SATYANARAYANA MURTHY

September 11, 2018

Note:

Furnish C.C. of order by 12.09.2018
(B/O.) Mgr